

APPEAL,CAT B,CLOSED

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:24-cr-00018-BAH-1

Case title: USA v. YARBOROUGH

Date Filed: 01/09/2024

Assigned to: Judge Beryl A.
Howell

Defendant (1)

RONALD YARBOROUGH

represented by **Diane Aimee Shrewsbury**
OFFICE OF THE FEDERAL PUBLIC
DEFENDER FOR THE DISTRICT OF CO
625 Indiana Avenue NW
Suite 550
Washington, DC 20004
(202) 208-7500
Fax: (202) 208-7515
Email: diane_shrewsbury@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or Community
Defender Appointment

Pending Counts

18:922(g)(1); UNLAWFUL
TRANSPORT OF FIREARMS,
ETC.; Unlawful Possession of a
Firearm and Ammunition by a
Person Convicted of a Crime
Punishable by Imprisonment for a
Term Exceeding One Year
(1)

Disposition

Fifty-One (51) Months Incarceration Which Shall
Run Concurrent To Term Of Imprisonment
Imposed In DC Superior Court Criminal Cases
2020-CF3-005933 and 2019-CF2-003501
Followed By A Supervised Release Period Of
Thirty-Six (36) Months And A Special Assessment
Of \$100.00

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Emory Vaughan Cole**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7692
Fax: (202) 616-2296
Email: Emory.Cole@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Ryan Lipes
DOJ-CRM
1301 New York Avenue NW
Washington, DC 20530
202-514-4715
Email: ryan.lipes@usdoj.gov
TERMINATED: 05/17/2024
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
01/09/2024	<u>1</u>	SEALED INDICTMENT as to RONALD YARBOROUGH (1) count(s) 1. (FORFEITURE ALLEGATION). (zstd) (Entered: 01/09/2024)
01/09/2024	<u>3</u>	MOTION to Seal Case by USA as to RONALD YARBOROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(zstd) (Entered: 01/09/2024)
01/09/2024	<u>4</u>	ORDER granting <u>3</u> Motion to Seal Case as to RONALD YARBOROUGH (1). Signed by Magistrate Judge G. Michael Harvey on 1/9/2024. (zstd) (Entered: 01/09/2024)
01/11/2024		Arrest of RONALD YARBOROUGH (znjb) (Entered: 01/11/2024)
01/11/2024	<u>5</u>	Arrest Warrant Returned Executed on 1/10/2024 as to RONALD YARBOROUGH. (znjb) (Entered: 01/11/2024)
01/11/2024		ORAL MOTION to Unseal Case by USA as to RONALD YARBOROUGH. (zcll) (Entered: 01/11/2024)
01/11/2024		ORAL MOTION to Appoint Counsel by RONALD YARBOROUGH. (zcll) (Entered: 01/11/2024)
01/11/2024		ORAL MOTION for Temporary Detention by USA as to RONALD YARBOROUGH. (zcll) (Entered: 01/11/2024)

01/11/2024		Minute Entry for proceedings held before Magistrate Judge Robin M. Meriweather: Return on Arrest Warrant, Initial Appearance & Arraignment as to RONALD YARBOROUGH on Count 1 held on 1/11/2024. Plea of NOT guilty entered by RONALD YARBOROUGH as to all counts. The Court advised the Government of its due process obligations under Rule 5(f). Oral Motion by the Government to Unseal Case as to RONALD YARBOROUGH; heard and granted. Oral Motion to Appoint Counsel by RONALD YARBOROUGH; heard and granted. Oral Motion by the Government for Temporary Detention (3 day hold) as to RONALD YARBOROUGH; heard and granted. Detention Hearing set for 1/16/2024 at 3:30 PM in Courtroom 5– In Person before Magistrate Judge Moxila A. Upadhyaya. Status Conference set for 1/12/2024 at 9:30 AM in Courtroom 26A– In Person before Judge Beryl A. Howell. Bond Status of Defendant: Defendant held without bond; Court Reporter: FTR GOLD; FTR Time Frame: CTRM 7 [3:04:02 – 3:12:01]; Defense Attorney: Diane Shrewsbury; US Attorney: Ryan Lipes; Pretrial Officer: John Copes. (zcll) (Entered: 01/11/2024)
01/11/2024		MINUTE ORDER as to RONALD YARBOROUGH: As required by Rule 5(f), the United States is ordered to produce all exculpatory evidence to the defendant pursuant to Brady v. Maryland and its progeny. Not doing so in a timely manner may result in sanctions, including exclusion of evidence, adverse jury instructions, dismissal of charges and contempt proceedings. Signed by Magistrate Judge Robin M. Meriweather on 1/11/2024. (zcll) (Entered: 01/11/2024)
01/11/2024		Case unsealed as to RONALD YARBOROUGH. (zcll) (Entered: 01/11/2024)
01/11/2024	<u>6</u>	Unopposed MOTION for Protective Order by USA as to RONALD YARBOROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(Lipes, Ryan) (Entered: 01/11/2024)
01/11/2024	<u>7</u>	Unopposed MOTION for Disclosure of <i>Material Protected by FRCP 6(e)</i> by USA as to RONALD YARBOROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(Lipes, Ryan) (Entered: 01/11/2024)
01/11/2024	<u>8</u>	STANDING ORDER as to RONALD YARBOROUGH (1). Signed by Judge Beryl A. Howell on January 11, 2024. (lcbah2) (Entered: 01/11/2024)
01/11/2024	9	MINUTE ORDER (paperless) GRANTING the government's <u>6</u> Unopposed Motion for Protective Order as to RONALD YARBOROUGH (1). Signed by Judge Beryl A. Howell on January 11, 2024. (lcbah2) (Entered: 01/11/2024)
01/11/2024	<u>10</u>	PROTECTIVE ORDER as to RONALD YARBOROUGH (1). Signed by Judge Beryl A. Howell on January 11, 2024. (lcbah2) (Entered: 01/11/2024)
01/11/2024		MINUTE ORDER (paperless) as to RONALD YARBOROUGH (1), GRANTING the government's unopposed <u>7</u> Motion for an Order to Disclose Items Protected by Federal Rule of Criminal Procedure 6(e) and Sealed Materials and AUTHORIZING the government, pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i) and the previously entered <u>10</u> Protective Order governing discovery in this case, to provide to defendant materials protected by Federal Rule of Criminal Procedure 6(e), insofar as such disclosure is necessary for the government to comply with its discovery and disclosure obligations. Signed by Judge Beryl A. Howell on January 11, 2024. (lcbah2) (Entered: 01/11/2024)
01/12/2024		Minute Entry for proceedings held before Judge Beryl A. Howell: Status Conference as to RONALD YARBOROUGH held on 1/12/2024. Parties Updated The Court In Regards to Discovery. Parties Request Thirty (30) Day Continuance. Status

		Conference set for 2/9/2023 at 9:30 AM in Courtroom 26A– In Person before Judge Beryl A. Howell. With The Consent Of The Parties, Speedy Trial Time Is Excluded 1/12/24 – 2/9/24 In The Interest Of Justice (XT). Bond Status of Defendant: COMMITTED/COMMITMENT ISSUED; Court Reporter: ELIZABETH SAINT–LOTH; Defense Attorney: DIANE SHREWSBURY; US Attorney: RYAN LIPES; (mac) (Entered: 01/16/2024)
01/13/2024	<u>13</u>	NOTICE of Filing by USA as to RONALD YARBOROUGH (Lipes, Ryan) Modified text on 1/15/2024 (zstd). (Entered: 01/13/2024)
01/14/2024	<u>14</u>	MEMORANDUM in Support of Pretrial Detention by USA as to RONALD YARBOROUGH (Lipes, Ryan) (Entered: 01/14/2024)
01/16/2024		Set/Reset Hearings as to RONALD YARBOROUGH: Detention Hearing RESCHEDULED to 1/17/2024 at 12:00 PM in Courtroom 5– In Person before Magistrate Judge Moxila A. Upadhyaya. (znjb) (Entered: 01/16/2024)
01/16/2024	<u>15</u>	MOTION for Release from Custody by RONALD YARBOROUGH. (Shrewsbury, Diane) (Entered: 01/16/2024)
01/17/2024		ORAL MOTION to Commit Defendant to Custody of Attorney General by USA as to RONALD YARBOROUGH. (znjb) (Entered: 01/17/2024)
01/17/2024		Minute Entry for proceedings held before Magistrate Judge Moxila A. Upadhyaya: Detention Hearing as to RONALD YARBOROUGH held on 1/17/2024. Defendant present in the courtroom. Oral Motion by the Government to Commit Defendant to Custody of Attorney General as to RONALD YARBOROUGH; heard and granted. Defense <u>15</u> Motion for Release from Custody as to RONALD YARBOROUGH; heard and denied. Bond Status of Defendant: Defendant Committed/Commitment Issued; Court Reporter: FTR– GOLD; FTR Time Frame: CRTM 5: [12:10:01–12:19:33][RECESS: 12:19:34–12:27:57][12:27:58–12:43:31][RECESS: 12:43:32–1:08:15][1:08:16–1:19:45]; Defense Attorney: Diane Shrewsbury; US Attorney: Ryan Lipes; Pretrial Officer: Britney Dahlkoetter. (znjb) (Entered: 01/17/2024)
01/17/2024	<u>32</u>	ORDER OF DETENTION PENDING TRIAL – Defendant Held Without Bond as to RONALD YARBOROUGH. Signed by Magistrate Judge Moxila A. Upadhyaya on 1/17/2024. (znjb) (Entered: 06/10/2024)
02/06/2024	<u>16</u>	NOTICE of Filing of Discovery Letter by USA as to RONALD YARBOROUGH (Lipes, Ryan) (Entered: 02/06/2024)
02/09/2024		Minute Entry for proceedings held before Judge Beryl A. Howell:Status Conference as to RONALD YARBOROUGH held on 2/9/2024. Parties Updated The Court In Regards To The Current Posture Of This Matter And Request Suppression Hearing. Motion (Suppression) Hearing set for 3/22/2024 at 11:00 AM in Courtroom 26A– In Person before Judge Beryl A. Howell. With The Consent Of The Parties, Speedy Trial Time Is Excluded 02/09/2024 – 3/22/2024 In The Interest Of Justice (XT). Bond Status of Defendant: COMMITTED/COMMITMENT ISSUED; Court Reporter: ELIZABETH SAINT–LOTH; Defense Attorney: DIANE SHREWSBURY; US Attorney: RYAN LIPES; (mac) (Entered: 02/09/2024)
02/14/2024	<u>17</u>	MOTION to Suppress by RONALD YARBOROUGH. (Shrewsbury, Diane) (Entered: 02/14/2024)
02/28/2024	<u>18</u>	

		Memorandum in Opposition by USA as to RONALD YARBOROUGH re <u>17</u> Motion to Suppress (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 (Placeholder), # <u>3</u> Exhibit 2 (Placeholder), # <u>4</u> Exhibit 3)(Lipes, Ryan) (Entered: 02/28/2024)
03/05/2024	<u>19</u>	NOTICE of Filing of Discovery Letter by USA as to RONALD YARBOROUGH (Lipes, Ryan) (Entered: 03/05/2024)
03/06/2024	<u>20</u>	REPLY in Support by RONALD YARBOROUGH re <u>17</u> MOTION to Suppress (Shrewsbury, Diane) (Entered: 03/06/2024)
03/22/2024		MINUTE ORDER (paperless) DIRECTING the parties to appear for a status conference on May 13, 2024 at 1:30 PM, and ISSUING the following SCHEDULING ORDER: (1) By April 19, 2024, defendant shall file any supplemental briefing in support of his <u>17</u> Motion to Suppress; (2) By May 3, 2024, the government shall file any supplemental briefing in response. Signed by Judge Beryl A. Howell on March 22, 2024. (lcbah2) (Entered: 03/22/2024)
03/22/2024		Minute Entry for proceedings held before Judge Beryl A. Howell:Motion Hearing as to RONALD YARBOROUGH held on 3/22/2024 re <u>17</u> Motion To Suppress. Status Conference set for 5/13/2024 at 1:30 PM in Courtroom 26A– In Person before Judge Beryl A. Howell. Bond Status of Defendant: COMMITTED/COMMITMENT ISSUED; Court Reporter: ELIZABETH SAINT–LOTH; Defense Attorney: DIANE SHREWSBURY/ MARY PETRAS; US Attorney: RYAN LIPES; GOVERNMENT WITNESS: MPD OFFICER GREGORY MCCOURT (mac) (Entered: 03/22/2024)
03/22/2024	<u>21</u>	GOVERNMENT EXHIBIT LIST by USA as to RONALD YARBOROUGH (mac) (Entered: 03/22/2024)
03/22/2024	<u>22</u>	DEFENDANT EXHIBIT LIST by RONALD YARBOROUGH (mac) (Entered: 03/22/2024)
04/12/2024	<u>23</u>	TRANSCRIPT OF PROCEEDINGS, in case as to RONALD YARBOROUGH, before Judge Beryl A. Howell, held on 3–22–2024. Page Numbers: 1 – 88. Date of Issuance: 4–12–2024. Court Reporter: Elizabeth SaintLoth, Telephone number: 202–354–3242. Transcripts may be ordered by submitting the <u>Transcript Order Form</u> For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 5/3/2024. Redacted Transcript Deadline set for 5/13/2024. Release of Transcript Restriction set for 7/11/2024.(Saint–Loth, Elizabeth) (Entered: 04/12/2024)
04/19/2024	<u>24</u>	

		SUPPLEMENT by RONALD YARBOROUGH re <u>17</u> MOTION to Suppress (Attachments: # <u>1</u> Exhibit A)(Shrewsbury, Diane) (Entered: 04/19/2024)
04/19/2024	<u>25</u>	MOTION to Dismiss Count <i>One</i> by RONALD YARBOROUGH. (Shrewsbury, Diane) (Entered: 04/19/2024)
04/23/2024	<u>26</u>	NOTICE of Filing Defendant's Suppression Hearing Exhibits by RONALD YARBOROUGH (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 6, # <u>4</u> Exhibit 7)(Shrewsbury, Diane) (Entered: 04/23/2024)
05/03/2024	<u>27</u>	SUPPLEMENT by USA as to RONALD YARBOROUGH re <u>24</u> Supplement to any document, <u>18</u> Memorandum in Opposition (<i>Supplemental Memorandum in Opposition to Motion to Suppress</i>) (Lipes, Ryan) (Entered: 05/03/2024)
05/03/2024	<u>28</u>	Memorandum in Opposition by USA as to RONALD YARBOROUGH re <u>25</u> Motion to dismiss count(s) (Lipes, Ryan) (Entered: 05/03/2024)
05/13/2024		Minute Entry for proceedings held before Judge Beryl A. Howell:Motion Hearing as to RONALD YARBOROUGH held on 5/13/2024 re <u>17</u> Motion to Suppress and <u>25</u> Motion to Dismiss Count One. For Reasons Stated On The Record, The Court Will Deny <u>17</u> Motion to Suppress and <u>25</u> Motion to Dismiss Count One. Status Conference set for 6/7/2024 at 09:30 AM in Courtroom 26A– In Person before Judge Beryl A. Howell. The Court Directs the Parties By No Later Than June 3, 2024 That The Parties Jointly Submit A Status Report Indicating Whether Any Plea Offer Has Been Declined By Defendant And, If So, Provide Three proposed Dates For Trial And Pretrial Conference, And A Proposed Motions Schedule, So That The Court May Set A Trial Schedule at the June 7, 2024 Status Conference.. With The Consent Of The Defendant, Speedy Trial Time Is Excluded 5/13/24 – 6/7/24 In The Interest Of Justice (XT). Bond Status of Defendant: COMMITTED/COMMITMENT ISSUED; Court Reporter: ELIZABETH SAINT–LOTH; Defense Attorney: DIANE SHREWSBURY; US Attorney: RYAN LIPES; (mac) (Entered: 05/13/2024)
05/15/2024		MINUTE ORDER (paperless) DIRECTING that, by Monday, June 3, 2024, the parties jointly submit a status report indicating whether any plea offer has been declined by defendant and, if so, providing three proposed dates for trial and pretrial conference, and a proposed motions schedule, so that the Court may set a trial schedule at the June 7, 2024 status conference. Signed by Judge Beryl A. Howell on May 15, 2024. (lcbah2) (Entered: 05/15/2024)
05/17/2024	<u>29</u>	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Cole, Emory Vaughan added. (Cole, Emory) (Entered: 05/17/2024)
06/03/2024	<u>30</u>	Joint STATUS REPORT and Motion to Continue by RONALD YARBOROUGH (Shrewsbury, Diane) (Entered: 06/03/2024)
06/03/2024	31	MOTION to Continue by RONALD YARBOROUGH. (See Docket Entry <u>30</u> to View Document) (zhsj) (Entered: 06/07/2024)
06/04/2024		MINUTE ORDER as to RONALD YARBOROUGH VACATING the status conference scheduled for June 7, 2024. It is FURTHER ORDERED that a Stipulated Bench Trial is scheduled for June 14, 2024 at 1:00pm in Courtroom 26A– In Person before Judge Beryl A. Howell and the parties directed to submit stipulated statement of facts by no later than June 7, 2024. Signed by Judge Beryl A. Howell on 06/04/2024. (mac) (Entered: 06/04/2024)
06/07/2024		

		<p>MINUTE ORDER (paperless), as to RONALD YARBOROUGH, DIRECTING the parties to submit, by June 11, 2024, in advance of the stipulated trial scheduled for June 14, 2024, the following:</p> <ol style="list-style-type: none"> 1. The terms, with potential penalties, of any plea offer made to defendant, pursuant to Federal Rule of Criminal Procedure 11, the date such offer was made and lapsed, <i>see Missouri v. Frye</i>, 566 U.S. 134, 145 (2012) ("[D]efense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused."), and the date defendant rejected the government's plea offer; 2. A list of any exhibits to be offered by the government, including for any video evidence, the length of each video, and a timestamp of when defendant is seen in the video; 3. The parties' positions on whether video evidence on the government's Exhibit List may be made publicly available without restriction; and 4. The parties' positions regarding the estimated guidelines calculation and sentencing range that will apply to defendant upon conviction. Signed by Judge Beryl A. Howell on June 7, 2024. (lcbah2) (Entered: 06/07/2024)
06/08/2024		Set/Reset Deadlines as to RONALD YARBOROUGH: Parties Submission due by 6/11/2024. (mac) (Entered: 06/08/2024)
06/11/2024	<u>33</u>	RESPONSE TO ORDER OF THE COURT by RONALD YARBOROUGH re Order,,, (Joint Response) (Shrewsbury, Diane) (Entered: 06/11/2024)
06/11/2024	<u>34</u>	STATEMENT OF FACTS FOR STIPULATED TRIAL as to RONALD YARBOROUGH (mac) (Entered: 06/11/2024)
06/11/2024	<u>35</u>	AGREEMENT AND WAIVER OF JURY TRIAL RIGHTS as to RONALD YARBOROUGH (mac) (Entered: 06/11/2024)
06/13/2024	<u>36</u>	NOTICE OF FILING AND DISCOVERY LETTER by USA as to RONALD YARBOROUGH (Cole, Emory) (Entered: 06/13/2024)
06/14/2024		Minute Entry for proceedings held before Judge Beryl A. Howell:Stipulated Bench Trial as to RONALD YARBOROUGH held on 6/14/2024. The Defendant Is Sworn. The Court Has Colloquy With The Defendant. The Court Accepts The Defendant's Statement Of Facts For Stipulated Trial And Agreement And Waiver Of Jury Trial Rights. The Court Finds RONALD YARBOROUGH Guilty as to Count 1. CASE IS REFERRED TO U.S. PROBATION OFFICE FOR A PRESENTENCE INVESTIGATION REPORT. Sentencing set for 9/20/2024 at 9:30 AM in Courtroom 26A– In Person before Judge Beryl A. Howell. Bond Status of Defendant: COMMITTED/COMMITMENT ISSUED; Court Reporter: ELIZABETH SAINT–LOTH; Defense Attorney: DIANE SHREWSBURY; US Attorney: EMORY COLE; (mac) (Entered: 06/14/2024)
09/06/2024	<u>40</u>	SENTENCING MEMORANDUM by RONALD YARBOROUGH (Attachments: # <u>1</u> Exhibit A)(Shrewsbury, Diane) (Entered: 09/06/2024)
09/11/2024	<u>41</u>	MOTION for Extension of Time to File <i>FOR A TWO–DAY EXTENSION TO FILE THE GOVERNMENTS SENTENCING MEMORANDUM</i> by USA as to RONALD YARBOROUGH. (Attachments: # <u>1</u> Text of Proposed Order)(Cole, Emory) (Entered: 09/11/2024)
09/12/2024		

		MINUTE ORDER as to RONALD YARBOROUGH GRANTING <u>41</u> Motion for Extension of Time to File For A Two–Day Extension To File The Government's Sentencing Memorandum. It is ORDERED that the government's sentencing memorandum is due no later than September 13, 2024. Signed by Judge Beryl A. Howell on 09/11/24. (mac) (Entered: 09/12/2024)
09/13/2024	<u>44</u>	SENTENCING MEMORANDUM by USA as to RONALD YARBOROUGH (Cole, Emory) (Entered: 09/13/2024)
09/16/2024		MINUTE ORDER (paperless) as to RONALD YARBOROUGH, DIRECTING that, by September 18, 2024, at noon, in order to clarify the disputed issues to be resolved at the sentencing hearing, scheduled for September 20, 2024, (1) defendant submit notice whether he objects to ¶ 17 of the Final Presentence Report ("PSR"), ECF No. 42, that the firearm recovered from defendant was stolen and, if so, why such objection was not raised to the draft PSR; and (2) the government submit notice whether it intends to offer evidence to establish that the firearm at issue recovered was stolen, as stated in the PSR ¶ 17, given that neither the Statement of Facts for defendant's Stipulated Trial, ECF No. 34, nor the government's Sentencing Memorandum, ECF No. 44, contain proof of this fact. Signed by Judge Beryl A. Howell on September 16, 2024. (lcbah2) (Entered: 09/16/2024)
09/16/2024		Set/Reset Deadlines as to RONALD YARBOROUGH: Government And Defendant Notices due no later than 12:00PM on 9/18/2024. (mac) (Entered: 09/16/2024)
09/18/2024	<u>45</u>	RESPONSE TO ORDER OF THE COURT by USA as to RONALD YARBOROUGH re Order,,, (Attachments: # <u>1</u> Exhibit)(Cole, Emory) (Entered: 09/18/2024)
09/18/2024	<u>46</u>	RESPONSE TO ORDER OF THE COURT by RONALD YARBOROUGH re Order,,, (Attachments: # <u>1</u> Exhibit A)(Shrewsbury, Diane) (Entered: 09/18/2024)
09/23/2024	<u>47</u>	Consent MOTION to Continue <i>Sentencing Date</i> by RONALD YARBOROUGH. (Shrewsbury, Diane) (Entered: 09/23/2024)
09/23/2024		MINUTE ORDER as to RONALD YARBOROUGH GRANTING <u>47</u> Consent Motion To Reset Sentencing. It is ORDERED that the parties shall appear for a sentencing hearing on October 25, 2024 at 9:30AM in Courtroom 26A– In Person before Judge Beryl A. Howell.Signed by Judge Beryl A. Howell on 09/23/24. (mac) (Entered: 09/23/2024)
10/25/2024		Minute Entry for proceedings held before Judge Beryl A. Howell: Sentencing held on 10/25/2024 as to RONALD YARBOROUGH as to Count(s) 1. The Defendant Is Sentenced To Fifty–One (51) Months Incarceration Which Shall Run Concurrent To Term Of Imprisonment Imposed In DC Superior Court Criminal Cases 2020–CF3–005933 and 2019–CF2–003501 Followed By A Supervised Release Period (With Conditions) Of Thirty–Six (36) Months And A Special Assessment Of \$100.00. Bond Status of Defendant: COMMITTED/COMMITMENT ISSUED; Court Reporter: ELIZABETH DAVILA; Defense Attorney: DIANE SHREWSBURY; US Attorney: EMORY COLE; Prob Officer: CANDACE BROUGHTON; (mac) (Entered: 10/25/2024)
10/25/2024	<u>48</u>	JUDGMENT as to RONALD YARBOROUGH. Statement of Reasons Not Included. Signed by Judge Beryl A. Howell on 10/25/2024. (zstd) (Entered: 10/25/2024)
10/25/2024	<u>49</u>	

		STATEMENT OF REASONS as to RONALD YARBOROUGH re <u>48</u> Judgment Access to the PDF Document is restricted per Judicial Conference Policy. Access is limited to Counsel of Record and the Court. Signed by Judge Beryl A. Howell on 10/25/2024. (zstd) (Entered: 10/25/2024)
10/28/2024	<u>50</u>	NOTICE OF APPEAL – Final Judgment by RONALD YARBOROUGH Fee Status: No Fee Paid. Parties have been notified. (Shrewsbury, Diane) (Entered: 10/28/2024)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, :
 :
 vs. : Case No.: 24-cr-00018 (BAH)
 :
 Plaintiff, :
 :
 RONALD YARBOROUGH, :
 :
 Defendant. :

NOTICE OF APPEAL

Name and address of appellant: Ronald Yarborough
Name and address of appellant's attorney: Diane Shrewsbury
Assistant Federal Public Defender
Office of the Federal Public Defender
625 Indiana Ave., N.W., Suite 550
Washington, DC 20004

Offense: 18:922(g)(1); UNLAWFUL TRANSPORT OF FIREARMS, ETC.; Unlawful Possession of a Firearm and Ammunition by a Person Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year

Concise statement of judgment or order, giving date, and any sentence: Fifty-One (51) Months Incarceration Which Shall Run Concurrent To Term Of Imprisonment Imposed In DC Superior Court Criminal Cases 2020-CF3-005933 and 2019-CF2-003501 Followed By A Supervised Release Period Of Thirty-Six (36) Months And A Special Assessment Of \$100.00

Name of institution where now confined, if not on bail: Northern Neck Regional Jail

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia from the above-stated judgment.

October 28, 2024
DATE

Ronald Yarborough
APPELLANT

CJA, NO FEE _____ FPD _____
PAID USDC FEE _____ NO _____
PAID USCA FEE _____ NO _____

Diane Shrewsbury
ATTORNEY FOR APPELLANT

Does counsel wish to appear on appeal? Yes

Has counsel ordered transcripts? No

Is this appeal pursuant to the 1984 Sentencing Reform Act? Yes

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

RONALD YARBOROUGH

JUDGMENT IN A CRIMINAL CASE

Case Number: CR 24-018-01 (BAH)

USM Number: 57907-007

DIANE SHREWSBURY

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☒ was found guilty on count(s) 1 OF THE INDICTMENT FILED ON 1/09/2024
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC § 922(g)(1)	Unlawful Possession of a Firearm and Ammunition by a Person Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year	1/4/2024	1

The defendant is sentenced as provided in pages 2 through 9 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/25/2024

Date of Imposition of Judgment

Signature of Judge

BERYL A. HOWELL

U.S. DISTRICT JUDGE

Name and Title of Judge

Date

October 25, 2024

FILED

OCT 25 2024

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

AO 245B (Rev. 09/19) Judgment in Criminal Case
Sheet 2 — Imprisonment

Judgment — Page 2 of 9

DEFENDANT: RONALD YARBOROUGH
CASE NUMBER: CR 24-018-01 (BAH)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Fifty-One (51) months as to Count 1 which shall run concurrent to term of imprisonment imposed in DC Superior Court Criminal Cases 2020-CF3-005933 and 2019-CF2-003501.

☒ The court makes the following recommendations to the Bureau of Prisons:
The defendant to participate in the National Parenting From Prison Program, Federal Prison Industries Program (FPI/UNICOR), Residential Drug Abuse Treatment Program (RDAP), and Bureau Literacy Program.
The defendant to be placed at FCI Butner, North Carolina

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: RONALD YARBOROUGH
CASE NUMBER: CR 24-018-01 (BAH)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Thirty-Six (36) months as to Count 1

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: RONALD YARBOROUGH
CASE NUMBER: CR 24-018-01 (BAH)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: RONALD YARBOROUGH
CASE NUMBER: CR 24-018-01 (BAH)

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

Special Assessment - The defendant is ordered to pay a special assessment totaling \$100.00 on Count 1 in accordance with 18 USC § 3013.

DEFENDANT: RONALD YARBOROUGH
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SPECIAL CONDITIONS OF SUPERVISION

Educational Services Program - The defendant must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation, English as a Second Language classes, and other classes designed to improve his proficiency in skills such as reading, writing, mathematics, or computer use.

Vocational Services Program - The defendant must participate in a vocational services program and follow the rules and regulations of that program. Such a program may include job readiness training and skills development training.

Substance Abuse Treatment - The defendant must participate in an inpatient and/or outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise his participation in the program (provider, location, modality, duration, intensity, etc.).

Substance Abuse Testing - The defendant must submit to substance abuse testing to determine if he has used a prohibited substance. The defendant must not attempt to obstruct or tamper with the testing methods.

Re-entry Progress Hearing - Within sixty days of release from incarceration or placement on supervision, the defendant will appear before the Court for a re-entry progress hearing. Prior to the hearing, the probation officer will submit a report summarizing his status and compliance with release conditions. If the defendant is supervised by a district outside of the Washington DC metropolitan area, the United States Probation Office in that district will submit a progress report to the court within 60 days of the commencement of supervision; upon receipt of the progress report, the Court will determine if his appearance is required.

The Probation Office shall release the presentence investigation report to all appropriate agencies, which includes the United States Probation Office in the approved district of residence, in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the Probation Office upon the defendant's completion or termination from treatment.

DEFENDANT: RONALD YARBOROUGH
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 100.00	\$	\$	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$	0.00	\$	0.00
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: RONALD YARBOROUGH
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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The financial obligations are immediately payable to the Clerk of the Court for the U.S. District Court, 333 Constitution Ave NW, Washington, DC 20001. Within 30 days of any change of address, the defendant shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full.

THE COURT FINDS that the defendant does not have the ability to pay a fine and, therefore, waives imposition of a fine in this case.

DEFENDANT: RONALD YARBOROUGH
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SCHEDULE OF PAYMENTS

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

- A

☐ Lump sum payment of \$ _____ due immediately, balance due

☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B

☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C

☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D

☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E

☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant’s ability to pay at that time; or
- F

☒ Special instructions regarding the payment of criminal monetary penalties:
The defendant is ordered to pay a \$100 special assessment to the Clerk of the Court for the U.S. District Court for the District of Columbia, 333 Constitution Ave NW, Washington, DC 20001 in accordance with 18 USC § 3013

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant’s interest in the following property to the United States:
Pursuant to Rule 32.2(a) of the Federal Rules of Criminal Procedure, the defendant, Ronald Yarborough, shall forfeit the following: a Sig Sauer P320 Compact pistol and 9mm ammunition.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.